HON'BLE MS. JUSTICE G. ROHINI

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WRIT PETITION NO.10735 OF 2005

Dated: 26.7.2006

Between:
M/S. BHARATI VIDYA NIKETAN,
(Recognised by Govt. of A.P.), Kunavaram Road,
Bhadrachalam – 507711.
Khammam District. (A.P)

..... PETITIONER

AND

1 The Recovery Officer,
Employees Provident Fund, A.P.S.F.C. Building Balasamudram,
Hanamkonda,
Warangal District and others.

Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

Writ Petition No.10735 OF 2005

ORDER:

This writ petition is filed aggrieved by the Recovery Certificate dated 13.4.2005 issued by the 3rd respondent under Section 8-B of the Employees Provident Funds and Miscellaneous Provision Act, 1952 (for short 'the Act') for recovery of Rs.50,757/- and the consequential warrant for attachment of the vehicle belonging to the petitioner.

This Court while directing Rule Nisi, by order dated 29.4.2005, directed the 1st respondent to lift the attachment dated 18th March, 2005 subject to the condition that the petitioner deposits a sum of Rs. 50,000/- within six weeks.

A perusal of the impugned Recovery Certificate shows that the petitioner was in arrears towards damages levied under Section 14–B of the Act.

The petitioner does not dispute the fact the assessment made under Section 7-A of the Act has become final. Hence, I am unable to hold that the impugned Recovery Certificate issued by the 3rd respondent and the consequential warrant for attachment of movable property suffer from any infirmity.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner is still liable to pay a further sum of Rs. 1,66,202/-. However, the fact that the petitioner has complied with the condition of depositing Rs. 50,000/- as directed by this Court has not been disputed.

The learned counsel for the petitioner across the bar submitted that the calculation as shown in paragraph-6 of the counter affidavit filed on behalf of the Respondents was not correct and as a matter of fact, the petitioner is liable to pay only a sum of Rs.1,05,584/-.

In the circumstances, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to pay the admitted amount of Rs. 1,05,584/- within a period of six weeks from the date of receipt of this order. It is also open to the petitioner to raise the objection, if any, with regard to the balance amount claimed by the respondent. Such representation, if made within a period of two weeks from the date of receipt of this order, the same shall be considered by the respondents and appropriate order shall be passed in accordance with law.

Till such time, no coercive steps shall be taken against the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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G.ROHINI,J

Date: 26.7.2006

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